

BILL ANALYSIS

Senate Research Center

H.B. 2353
By: Goodman (Harris)
Jurisprudence
5/4/1999
Committee Report (Amended)

DIGEST

Currently, a court rendering an order which appoints parents as a child's joint managing conservators must establish the county of residence of the child or designate which conservator has the exclusive right to establish the child's primary residence. This bill would require the order, in addition to designating the conservator having the exclusive right to establish the primary residence of the child, to either establish the geographic area within which the conservator shall maintain the child's primary residence or specify that the conservator may establish the child's primary residence without regard to geographic location.

PURPOSE

As proposed, H.B. 2353 requires a court order, in addition to designating the conservator having the exclusive right to establish the primary residence of the child, to either establish the geographic area within which the conservator shall maintain the child's primary residence or specify that the conservator may establish the child's primary residence without regard to geographic location.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 153.133(a), Family Code, to require a court to render an order appointing the parents as joint managing conservators of a child only if a written agreement of the parents filed with the court contains specific information. Includes as part of that information a provision that either establishes the geographic area within which the conservator who has the exclusive right to establish the child's primary residence shall maintain the child's primary residence, until modified by further order, or specifies that the conservator may establish the child's primary residence without regard to geographic location. Makes a conforming change.

SECTION 2. Amends Section 153.134(b), Family Code, to require the court to designate the conservator who has the exclusive right to determine the child's primary residence and establish a geographic area of the county in which the child is to reside and any contiguous county thereto within which the conservator shall maintain the child's primary residence.

SECTION 3. (a) Effective date: September 1, 1999.
Makes application of this Act prospective.

(b) Provides that the enactment of this Act does not by itself constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the possession of or access to a child rendered before the effective date of this Act.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Amends Section 153.134(b), Family Code, to reidentify the geographic area within which the conservator is required to maintain the child's primary residence.